



**Office of the United States Attorney
District of Arizona**

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**FIVE TUCSON RESIDENTS INDICTED ON MULTIPLE AGGRAVATED
IDENTITY THEFT AND BANK FRAUD CHARGES**

Defendants stole identities from vehicle customers' credit applications

TUCSON, Ariz. – A 30-count indictment naming five individuals from the Tucson area was unsealed today, alleging a conspiracy to commit a wide variety of criminal activities, including the theft of personal identifying information of individuals, the creation of counterfeit and unauthorized access devices using this stolen personal identifying information, and the use of the counterfeit and unauthorized access devices to commit bank fraud and credit card fraud.

The indictment alleges that Anthony Blas Rivera, Michael De La Rosa and Joshua Damian Luna were employed by Arizona Honda in Tucson as salesmen. As part of their duties as salesmen, Rivera, De La Rosa, and Luna had access to credit applications completed by customers who were interested in purchasing vehicles. The information provided by customers on the credit applications included their name, date of birth, and social security number. The trio had the ability to run credit checks of customers who submitted credit applications.

The three defendants used the personal identifying information from credit applications filled out by prospective customers at Arizona Honda to unlawfully apply for and obtain credit cards issued in the names of these individuals. These defendants, as well as co-defendant Diana Elizabeth Teran, used the fraudulently issued credit cards to make purchases from merchants in and around Tucson, transfer funds from the line of credit on the fraudulent credit cards to pay off amounts owed on the defendants' credit cards, and transfer funds from the fraudulent credit cards into the defendants' personal bank accounts.

The indictment also charges Carlos Alberto Banchs, who was the manager of the Whitehall Jewelry Store in the Tucson Mall, and is Rivera's brother-in-law. As the manager of the jewelry store, Banchs had the authority to approve and issue Whitehall Jewelry Store credit cards. On or about March 19, 2007, Rivera submitted a credit card application for a Whitehall Jewelry Store credit card, using the personal identifying information of a customer of Arizona Honda. Banchs approved the issuance of a Whitehall Jewelry Store credit card in the name of the Arizona Honda customer, when in fact, Banchs knew that the person who submitted credit card application was his brother-in-law, Rivera. Rivera then made \$5,400 in purchases at Whitehall Jewelry Store, using the fraudulent store credit card. Banchs authorized the \$5,400 in purchases made with the fraudulent Whitehall Jewelry Store credit card.

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“The investigation and indictments send a clear message that the U.S. Attorney’s Office, the U.S. Postal Inspection Service, and our local law enforcement partners will target those who steal other’s identities for their personal and financial gain,” said U.S. Attorney Daniel G. Knauss.

“These arrests are consistent with our mission to protect the U.S. Mail from criminal misuse” said Postal Inspector in Charge Peter Zegarac. “The Postal Inspection Service is committed to aggressively investigating those who misuse our nation’s mail system to commit identity theft.”

Rivera was arrested and made his initial appearance in Federal District Court in Tucson, on September 18, 2007. De La Rosa was arrested on September 18, 2007, and made his initial appearance in Federal District Court in Tucson on September 19, 2007. Luna was arrested and made his initial appearance in Federal District Court in Tucson on September 19, 2007. All three of these defendants were released on their own recognizance under the supervision of U.S. Pre-trial Services. Banchs and Teran remain at large.

The maximum penalties are as follows: Conspiracy to Commit Offenses Against the United States, five years in prison, a \$250,000 fine or both; Fraud in Connection with Access Devices, 10 years in prison, a \$250,000 fine or both; Fraud in Connection With Identification Documents, Authentication Features, and Information, fifteen years in prison, a \$250,000 fine or both; Aggravated Identity Theft, a mandatory two year term in prison, a \$250,000 fine or both; Bank Fraud, 30 years in prison, a \$1 million fine or both. In determining an actual sentence, the assigned judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation in this case was conducted by the U.S. Postal Inspection Service with assistance from the Tucson Police Department. The prosecution is being handled by Eric Markovich, Assistant U.S. Attorney, District of Arizona, Tucson, Ariz.

CASE NUMBER: CR-07-1626-TUC-JMR(HCE)
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